Minutes of the Meeting
Rules Committee of the Superior Court
Monday, December 14, 2020

On December 14, 2020, the Rules Committee met using Microsoft Teams from 2:03 p.m. to 3:05 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR
HON. HOLLY ABERY-WETSTONE
HON. SUSAN QUINN COBB
HON. JOHN B. FARLEY
HON. ALEX V. HERNANDEZ
HON. TAMMY T. NGUYEN-O'DOWD
HON. SHEILA M. PRATS

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee; Lori Petruzzelli, Counsel, Legal Services; and Shanna O'Donnell, Research Attorney, Legal Services. Judges Barbara N. Bellis and Anthony D. Truglia Jr. were absent. Judge Sheila M. Prats was present at the beginning of the meeting; she left the meeting during the discussion of the proposal to remove references to family with service needs filings (RC ID # 2020-022) and did not return.

1. The Committee approved the minutes of the meeting held on November 16, 2020 with no revisions.

2. The remaining agenda items were taken out of order to accommodate Judge Michael A. Albis, Chief Administrative Judge for Family Matters, who was present to address the Committee.

3. The Committee considered a proposal from Judge Albis to amend Sections 3-1 and 3-3 concerning appearances and to add requirements related to e-mail addresses (RC ID # 2020-021).

Judge Albis was present and addressed the commission regarding this proposal.

After discussion, the Committee tabled this proposal until the January meeting and referred this proposal to the Connecticut Bar Association, the Connecticut Trial Lawyers Association, the Connecticut Defense Lawyers, and to the various legal aid organizations who requested the opportunity to comment. The Committee also indicated that, notwithstanding Judge Albis's statement that he is not requesting that his proposal be considered on an emergency basis at this time, if there is no significant opposition to this proposal, the Committee may consider whether or not there is a more pressing need for this proposal to be enacted on an expedited basis.

4. The Committee considered a question from Justice Eveleigh regarding whether an automobile's "black box" should be included in a discovery order involving a ruling on Section 13-3 (RC ID # 2017-004).

After discussion, the Committee tabled this proposal indefinitely.

5. The Committee considered a question from Attorney John D. Tower regarding a potential disparity between discovery responsibilities for non-party witnesses under Section 13-28 (c), which allows to compel non-party witnesses to produce documents within 15 days, and discovery responsibilities of parties under Section 13-27 (g), which gives parties 60 days to produce documents sought in Notices of Deposition, unless otherwise ordered or stipulated (RC ID # 2017-005).

After discussion, the Committee tabled this proposal indefinitely.

6. The Committee considered a proposal from Robert Berriault for a rule to allow for a waiver of fees for certain applicants of the bar (RC ID # 2018-004).

Judge Anne C. Dranginis (ret.), Chair of the Bar Examining Committee, and Lisa Valko, Program Manager, were present and addressed the Committee regarding this proposal.

After discussion, the Committee determined that no further action or reporting related to this proposal would be required.

7. The Committee considered a proposal from Judge Joan K. Alexander to amend Section 37-1 to allow for waiver of the presence of the defendant at arraignment and subsequent revised proposals, including a revised proposal from Judge David P. Gold, Chief Administrative Judge for Criminal Matters that includes provisions concerning remote proceedings (RC ID # 2019-001).

Judge Gold; Katharine Casaubon, Counsel, Legal Services; Christine Rapillo, Chief Public Defender; and Kevin Lawlor, Deputy Chief State's Attorney, were present and addressed the Committee regarding this proposal.

After discussion, the Committee voted unanimously to submit to public hearing the revised proposal from Judge Gold, as set forth in Appendix A to these minutes.

8. The Committee considered a proposal regarding standard written discovery in medical malpractice cases and a subsequent proposal from the subcommittee established to work on this matter (RC ID # 2019-003).

After discussion, the Committee tabled this proposal until the February meeting and referred this proposal for review and comment to the Connecticut Bar Association, Connecticut Trial Lawyers Association, Connecticut Defense Lawyers Association, and

Judge Abrams, with a deadline of January 22, 2021. The Committee instructed Counsel to send any comments that are received on this proposal to Rose Ann Rush as they are received in order to circulate the comments to the members of the subcommittee and members of the working group who assisted in drafting the proposal. Lori Petruzzelli, Counsel, Legal Services, was asked to send her suggested technical revisions to the proposal to the subcommittee for their review.

9. The Committee considered a proposal from the Connecticut Bar Association Pro Bono Committee and Standing Committee on Professional Ethics to amend Rule 5.5 of the Rules of Professional Conduct to permit pro bono practice in Connecticut by attorneys licensed and in good standing in other jurisdictions and a subsequent revised proposal submitted by Michael Bowler, Statewide Bar Counsel, and Marcy Stovall, of the Connecticut Bar Association Standing Committee on Professional Ethics (RC ID # 2020-008).

Attorney Stovall was present and addressed the Committee concerning this proposal.

After discussion, the Committee voted unanimously to submit to public hearing the revised proposal from Michael Bowler, Statewide Bar Counsel, and Marcy Stovall, of the Connecticut Bar Association Standing Committee on Professional Ethics, as set forth in Appendix B to these minutes.

10. The Committee considered a proposal from Judge Bernadette Conway, Chief Administrative Judge for Juvenile Matters, to remove references to family with service needs filings from various sections, consistent with Public Act 19-187, and a subsequent revised proposal incorporating changes to chapter headings (RC ID # 2020-022).

After discussion, Committee voted unanimously to submit to public hearing the revised proposal from Judge Conway, as set forth in Appendix C to these minutes.

Respectfully submitted,

Joseph J. Del Ciampo
Counsel to the Rules Committee

APPENDIX A

(12-14-2020)

Sec. 37-1. Arraignment; Timing, Alternative Proceedings

(a) Unless otherwise provided in this section, **[**A**]**a defendant who is not released from custody sooner shall be brought before a judicial authority for arraignment no later than the first court day following arrest. **[**Any defendant who is hospitalized, has escaped, or is otherwise incapacitated shall be presented no later than the next court day following such defendant's medical discharge or return to police custody.**]** A defendant not in custody shall appear for arraignment in person at the time and place specified in the summons or the terms of release, or at such other date or place fixed by the judicial authority.

(b) Except as provided in subsection (c) of this section, **[**A**]**any defendant who is hospitalized, has escaped, or is otherwise incapacitated shall be presented for arraignment no later than the next court day following such defendant's medical discharge or return to police custody or a determination that the defendant is no longer incapacitated.

(c) The judicial authority may, upon motion of any party or upon its own motion, and for good cause shown, arraign remotely, via interactive audio visual device or other remote technology, any defendant who is hospitalized or otherwise incapacitated or, if a remote arraignment is not feasible, arraign the defendant without his or her presence. Upon request, the judicial authority shall provide counsel for the defendant with a reasonable opportunity to consult with the defendant privately prior to any hearing on

such motion and any arraignment conducted pursuant to this subsection. For the purposes of this subsection, "good cause" includes, but is not limited to, a risk that the defendant's constitutional rights may be violated were the defendant's arraignment to be conducted in accordance with subsection (b) of this section.

(d) An arraignment conducted in accordance with subsection (c) of this section shall, in all other respects, be carried out in accordance with the rules and procedures otherwise applicable to arraignments, and any such arraignment shall be considered to have complied with the requirements set forth in section 54-1g of the Connecticut General Statutes.

(e) Any defendant whom the court has arraigned pursuant to subsection (c) of this section and who has not posted bond or been otherwise released from custody prior to his or her medical discharge or a determination that he or she is no longer incapacitated shall be presented to the court no later than the next court day following his or her medical discharge or the determination that he or she no longer incapacitated.

(f) Any defendant whom the court has arraigned pursuant to subsection (c) of this section shall have the right to de novo review of any orders entered at such arraignment.

COMMENTARY: This section has been amended to allow the judicial authority to arraign a defendant remotely or without his or her presence if the defendant is hospitalized or otherwise incapacitated.

Although defendants have a fundamental constitutional right to be physically present at all critical stages of trial; *Rushen* v. *Spain*, 464 U.S. 114, 117 (1983); including arraignment, this change is intended to balance a defendant's right to be physically

present at arraignment with his or her other constitutional rights such as the right to counsel, the right against self-incrimination, and the right to be released on bail. This change is also intended to provide greater First Amendment access to the public in cases where the public might otherwise be excluded from an arraignment that needs to take place in a hospital room due to the defendant's extended hospitalization. It is the intent that arraignments conducted pursuant to new subsection (c) of this section, particularly arraignments conducted without the presence of the defendant, be conducted sparingly and only upon good cause.

It is intended that this commentary be a permanent part of this section.*

Sec 37-3. —Advisement of Constitutional Rights

(a) Unless a defendant has been previously advised of his or her constitutional rights by a clerk pursuant to General Statutes § 54-64b or by a judicial authority pursuant to General Statutes § 54-1b, or unless the arraignment is proceeding without the presence of the defendant in accordance with subsection (c) of Section 37-1, the judicial authority shall, personally and in open court, advise any defendant or defendants appearing for arraignment, either individually or collectively of the following at the opening of the court session**[**The judicial authority shall personally, at the opening of the court session, in open court, advise the defendant, or the defendants, unless previously so advised by a clerk pursuant to General Statutes § 54-64b or by a judicial authority pursuant to General Statutes § 54-1b, either individually or collectively of the following**]**:

(1) That the defendant is not obligated to say anything and that anything the defendant says may be used against him or her;

(2)That the defendant is entitled to the services of an attorney;

(3) If the defendant is unable to pay for one, what the procedures are through which the services of an attorney will be provided for him or her; and

(4) That the defendant will not be questioned unless he or she consents, that the defendant may consult with an attorney before being questioned and that the defendant may have an attorney present during any questioning.

(b) If the judicial authority arraigns a defendant without his or her presence in accordance with subsection (c) of Section 37-1, the judicial authority shall order that the defendant be informed in writing of his or her rights under subsection (a) of this section as quickly as possible under the circumstances. The judicial authority shall also advise the defendant of his or her rights pursuant to subsection (a) of this section upon the defendant's first appearance in court.

COMMENTARY: This section has been amended to address the advisement of rights for defendants whom the judicial authority arraigns without his or her presence pursuant to new subsection (c) of Section 37-1.

Sec. 37-6. Appointment of Public Defender

(a) If the judicial authority determines after investigation by the public defender that the defendant is indigent, the judicial authority may designate the public defender or a **[**special**]** public defender assigned counsel to represent the defendant unless, in a misdemeanor case, at the time of the application for appointment of counsel, the judicial authority decides or believes that disposition of the pending case will not result in a sentence involving incarceration or a suspended sentence of incarceration with a period

of probation or conditional discharge, and makes a statement to that effect on the record. If the public defender or his or her office determines that a defendant is not eligible to receive the services of a public defender, the defendant may appeal the public defender's decision to the judicial authority in accordance with General Statutes § 51-297 (g). The judicial authority may not appoint the public defender or a public defender assigned counsel unless the judicial authority finds the defendant indigent following such appeal. If a conflict of interest or other circumstance exists which prevents the public defender from representing the defendant, the judicial authority, upon recommendation of the public defender or upon its own motion, may appoint a **[**special**]** public defender assigned counsel to represent the defendant.

(b) The fact that the judicial authority, in a misdemeanor case, decides or believes that disposition of the pending case will not result in a sentence involving incarceration or a suspended sentence of incarceration with a period of probation or conditional discharge, shall not preclude the judicial authority from appointing, in its discretion, a public defender or a **[**special**]** public defender assigned counsel to represent an indigent defendant.

(c) The judicial authority may designate the public defender or a public defender assigned counsel to represent a defendant who is subject to a motion to arraign such defendant remotely or without his or her presence, pursuant to subsection (c) of Section 37-1, and who is not represented by counsel. Counsel for the defendant shall file an appearance in accordance with subsection (c) of Section 3-6. Such appearance shall expire upon the defendant's first appearance in court. If the defendant thereafter applies for public defender services, the judicial authority may designate the public defender or

public defender assigned counsel to represent the defendant in full in accordance with subsection (a) of this section.

COMMENTARY: This section has been amended to ensure that any defendant subject to a motion to arraign such defendant remotely or without his or her presence pursuant to new subsection (c) of Section 37-1 can obtain counsel for the motion hearing and any arraignment conducted pursuant to that subsection. This section has also been amended to update the term "special public defender" to the term "public defender assigned counsel" to comport with the Section 51-289a (c) of the Connecticut General Statutes.

Sec. 44-7. Presence of Defendant; Attire of Incarcerated Defendant or Witness

The defendant has the right to be present at the arraignment, at the time of the plea, at evidentiary hearings, at the trial, and at the sentencing hearing, except as provided in Section 37-1 and Sections 44-7 through 44-10. Whenever present, the defendant shall be seated where he or she can effectively consult with counsel and can see and hear the proceedings. An incarcerated defendant or an incarcerated witness shall not be required during the course of a trial to appear in court in the distinctive attire of a prisoner or convict.

COMMENTARY: This section has been amended to address new subsection (c) of Section 37-1, which authorizes the judicial authority to arraign the defendant remotely or without his or her presence in limited circumstances.

Sec. 3-6. Appearances for Bail, [or] Detention Hearing, or Alternative Arraignment Proceedings Only

(a) An attorney, prior to the entering of an appearance by any other attorney, may enter an appearance for the defendant in a criminal case for the sole purpose of representing the defendant at a hearing for the fixing of bail. Such appearance shall be in writing and shall be styled, “for the purpose of the bail hearing only.” Upon entering such an appearance, that attorney shall be entitled to confer with the prosecuting authority in connection with the bail hearing.

(b) An attorney may enter an appearance in a delinquency proceeding for the sole purpose of representing the respondent at any detention hearing; such appearance shall be in writing and styled “for the purpose of detention hearing only.”

(c) An attorney may enter an appearance for the defendant in a criminal case who is subject to a motion to arraign such defendant remotely or without his or her presence pursuant to subsection (c) of Section 37-1 for the limited purpose of representing the defendant at the hearing on such motion, any arraignment conducted pursuant to that subsection, and until the defendant’s first appearance in court. Such appearance shall be in writing and shall be styled, “for the purpose of alternative arraignment proceedings only.” Upon entering such an appearance, that attorney shall be entitled to confer with the prosecuting authority in connection with the hearing on such motion, the arraignment of the defendant in accordance with subsection (c) of Section 37-1, if any, and until the defendant’s first appearance in court.

COMMENTARY: This section has been amended to address the alternative arraignment proceedings established in Section 37-1, and the need for a limited criminal appearance for public defenders designated to represent defendants subject to such

alternative arraignment proceedings pursuant to new subsection (c) of Section 37-1 and new subsection (c) of Section 37-6.

APPENDIX B

(12-14-2020)

Rule 5.5. Unauthorized Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so. The practice of law in this jurisdiction is defined in Practice Book Section 2-44A. Conduct described in subsections (c) and (d) in another jurisdiction shall not be deemed the unauthorized practice of law for purposes of this subsection (a).

(b) A lawyer who is not admitted to practice in this jurisdiction, shall not:

(1) except as authorized by law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction which accords similar privileges to Connecticut lawyers in its jurisdiction, and provided that the lawyer is not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction, that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential mediation or other alternative dispute resolution proceeding in this or another jurisdiction, with respect to a matter that is substantially related to, or arises in, a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires *pro hac vice* admission; or

(4) are not within subdivisions (c) (2) or (c) (3) and arise out of or are substantially related to the legal services provided to an existing client of the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, who is in good standing in each jurisdiction in which he or she has been admitted, or who has taken retirement status or otherwise left the active practice of law while in good standing in another jurisdiction, may participate in the provision of uncompensated pro bono publico legal services in Connecticut where such services are offered under the supervision of an organized legal aid society or state or local bar association project.

[(d)**]**(e) A lawyer admitted to practice in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) the lawyer is authorized to provide pursuant to Practice Book Section 2-15A and the lawyer is an authorized house counsel as provided in that section; or

(2) the lawyer is authorized by federal or other law or rule to provide in this jurisdiction.

[(e**]**(f) A lawyer not admitted to practice in this jurisdiction and authorized by the provisions of this Rule to engage in providing legal services on a temporary basis in this

jurisdiction is thereby subject to the disciplinary rules of this jurisdiction with respect to the activities in this jurisdiction.

[(f)**]**(g) A lawyer desirous of obtaining the privileges set forth in subsections (c) (3) or (4):

(1) shall notify the statewide bar counsel as to each separate matter prior to any such representation in Connecticut,

(2) shall notify the statewide bar counsel upon termination of each such representation in Connecticut, and (3) shall pay such fees as may be prescribed by the Judicial Branch.

COMMENTARY: A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Subsection (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer's assisting another person. For example, a lawyer may not assist a person in practicing law in violation of the rules governing professional conduct in that person's jurisdiction.

A lawyer may provide professional advice and instruction to nonlawyers whose employment requires knowledge of the law; for example, claims adjusters, employees of financial or commercial institutions, social workers, accountants and persons employed in government agencies. Lawyers also may assist independent nonlawyers, such as paraprofessionals, who are authorized by the law of a jurisdiction to provide particular law-related services. In addition, a lawyer may counsel nonlawyers who wish to proceed as self-represented parties.

Other than as authorized by law or this Rule, a lawyer who is not admitted to practice generally in this jurisdiction violates subsection (b) (1) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1 (a) and 7.5 (b). A lawyer not admitted to practice in this jurisdiction who engages in repeated and frequent activities of a similar nature in this jurisdiction such as the preparation and/or recording of legal documents (loans and mortgages) involving residents or property in this state may be considered to have a systematic and continuous presence in this jurisdiction that would not be authorized by this Rule and could, thereby, be considered to constitute unauthorized practice of law.

There are occasions in which a lawyer admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public or the courts. Subsection (c) identifies four such circumstances. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of subdivisions **[**(d)**]**(e) (1) and **[**(d)**]**(e) (2), this Rule does not authorize a lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally here. There is no single test to determine whether a lawyer's services are provided on a “temporary basis” in this jurisdiction and may, therefore, be permissible under subsection (c). Services may be “temporary” even though the lawyer provides

services in this jurisdiction for an extended period of time, as when the lawyer is representing a client in a single lengthy negotiation or litigation.

Subsections (c) and (d) apply[ies] to lawyers who are admitted to practice law in any United States jurisdiction, which includes the District of Columbia and any state, territory or commonwealth of the United States. The word "admitted" in subsections (c) and (d) contemplates that the lawyer is authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who, while technically admitted, is not authorized to practice, because, for example, the lawyer is in an inactive status.

Subdivision (c) (1) recognizes that the interests of clients and the public are protected if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to practice in this jurisdiction. For this subdivision to apply, however, the lawyer admitted to practice in this jurisdiction must actively participate in and share responsibility for the representation of the client.

Lawyers not admitted to practice generally in a jurisdiction may be authorized by law or order of a tribunal or an administrative agency to appear before the tribunal or agency. This authority may be granted pursuant to formal rules governing admission *pro hac vice* or pursuant to informal practice of the tribunal or agency. Under subdivision (c) (2), a lawyer does not violate this Rule when the lawyer appears before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law of this jurisdiction requires a lawyer who is not admitted to practice in this jurisdiction to obtain admission *pro hac vice* before appearing before a tribunal or administrative agency, this Rule requires the lawyer to obtain that authority.

Subdivision (c) (2) also provides that a lawyer rendering services in this jurisdiction on a temporary basis does not violate this Rule when the lawyer engages in conduct in anticipation of a proceeding or hearing in a jurisdiction in which the lawyer is authorized to practice law or in which the lawyer reasonably expects to be admitted *pro hac vice*. Examples of such conduct include meetings with the client, interviews of potential witnesses, and the review of documents. Similarly, a lawyer admitted only in another jurisdiction may engage in conduct temporarily in this jurisdiction in connection with pending litigation in another jurisdiction in which the lawyer is or reasonably expects to be authorized to appear, including taking depositions in this jurisdiction.

When a lawyer has been or reasonably expects to be admitted to appear before a court or administrative agency, subdivision (c) (2) also permits conduct by lawyers who are associated with that lawyer in the matter, but who do not expect to appear before the court or administrative agency. For example, subordinate lawyers may conduct research, review documents, and attend meetings with witnesses in support of the lawyer responsible for the litigation.

Subdivision (c) (3) permits a lawyer admitted to practice law in another jurisdiction to perform services on a temporary basis in this jurisdiction if those services are in or reasonably related to a pending or potential mediation or other alternative dispute resolution proceeding in this or another jurisdiction, if the services are with respect to a matter that is substantially related to, or arises out of, a jurisdiction in which the lawyer is admitted to practice. The lawyer, however, must obtain admission *pro hac vice* in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require.

Subdivision (c) (4) permits a lawyer admitted in another jurisdiction to provide certain legal services on a temporary basis in this jurisdiction if they arise out of or are substantially related to the lawyer's practice in a jurisdiction in which the lawyer is admitted but are not within subdivisions (c) (2) or (c) (3). These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers.

Subdivision (c) (3) requires that the services be with respect to a matter that is substantially related to, or arises out of, a jurisdiction in which the lawyer is admitted. A variety of factors may evidence such a relationship. However, the matter, although involving other jurisdictions, must have a significant connection with the jurisdiction in which the lawyer is admitted to practice. A significant aspect of the lawyer's work might be conducted in that jurisdiction or a significant aspect of the matter may involve the law of that jurisdiction. The necessary relationship might arise when the client's activities and the resulting legal issues involve multiple jurisdictions. Subdivision (c) (4) requires that the services provided in this jurisdiction in which the lawyer is not admitted to practice be for (1) an existing client, i.e., one with whom the lawyer has a previous relationship and not arising solely out of a Connecticut based matter and (2) arise out of or be substantially related to the legal services provided to that client in a jurisdiction in which the lawyer is admitted to practice. Without both, the lawyer is prohibited from practicing law in the jurisdiction in which the lawyer is not admitted to practice.

<u>For purposes of subsection (d), an attorney in “good standing” is one who: (1) has been admitted to practice law in any United States jurisdiction; (2) is not suspended or disbarred in any other jurisdiction; (3) has never resigned or retired from the practice of</u>

law while subject to discipline or disciplinary proceedings in any other jurisdiction; (4) has not been placed on inactive status while subject to discipline or disciplinary proceedings in any other jurisdiction; and (5) is not currently subject to disciplinary proceedings in any other jurisdiction.

Subdivision **[**(d)**]**(e) (2) recognizes that a lawyer may provide legal services in a jurisdiction in which the lawyer is not licensed when authorized to do so by federal or other law, which includes statute, court rule, executive regulation or judicial precedent.

A lawyer who practices law in this jurisdiction pursuant to subsections (c), **[**or**]** (d) or (e) or otherwise is subject to the disciplinary authority of this jurisdiction. See Rule 8.5 (a).

In some circumstances, a lawyer who practices law in this jurisdiction pursuant to subsections (c), **[**or**]** (d) or (e) may have to inform the client that the lawyer is not licensed to practice law in this jurisdiction.

Subsections (c), **[**and**]** (d) and (e) do not authorize communications advertising legal services in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their services in this jurisdiction is governed by Rules 7.1 to 7.5.

COMMENTARY: The changes to this rule create a new category of permissible practice that would, under limited circumstances, permit attorneys who are licensed and in good standing in other jurisdictions to engage in pro bono practice in Connecticut.

APPENDIX C

(12-14-2020)

Sec. 26-1. Definitions Applicable to Proceedings on Juvenile Matters

In these definitions and in the rules of practice and procedure on juvenile matters, the singular shall include the plural and the plural, the singular where appropriate.

(a) The definitions of the terms “child,” “abused,” “delinquent,” “delinquent act,” “neglected,” “uncared for,” “alcohol-dependent,” **[**“family with service needs,”**]** “drug-dependent,” “serious juvenile offense,” “serious juvenile offender,” “serious juvenile repeat offender,” “predispositional study,” and “risk and needs assessment” shall be as set forth in General Statutes § 46b-120. The definition of “victim” shall be as set forth in General Statutes § 46b-122.

(b) “Commitment” means an order of the judicial authority whereby custody and/or guardianship of a child are transferred to the Commissioner of the Department of Children and Families.

(c) “Complaint” means a written allegation or statement presented to the judicial authority that a child's conduct as a delinquent **[**or situation as a child from a family with service needs**]** brings the child within the jurisdiction of the judicial authority as prescribed by General Statutes § 46b-121.

(d) “Detention” means a secure building or staff secure facility for the temporary care of a child who is the subject of a delinquency complaint.

[(e) “Family support center” means a community- based service center for children and families involved with a complaint that has been filed with the Superior Court under General Statutes § 46b-149, that provides multiple services, or access to such services, for the purpose of preventing such children and families from having further involvement with the court as families with service needs.**]**

[(f)**]** (e) “Guardian” means a person who has a judicially created relationship with a child, which is intended to be permanent and self-sustaining, as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person and decision making.

[(g)**]** (f) “Hearing” means an activity of the court on the record in the presence of a judicial authority and shall include (1) “Adjudicatory hearing”: A court hearing to determine the validity of the facts alleged in a petition or information to establish thereby the judicial authority's jurisdiction to decide the matter which is the subject of the petition or information; (2) “Contested hearing on an order of temporary custody” means a hearing on an ex parte order of temporary custody or an order to appear which is held not later than ten days from the day of a preliminary hearing on such orders. Contested hearings shall be held on consecutive days except for compelling circumstances or at the request of the respondent; (3) “Dispositive hearing”: The judicial authority's jurisdiction to adjudicate the matter which is the subject of the petition or information having been established, a court hearing in which the judicial authority, after considering the social study or predispositional study and the total circumstances of the child, orders whatever action is in the best interests of the child or family and, where applicable, the community.

In the discretion of the judicial authority, evidence concerning adjudication and disposition may be presented in a single hearing; (4) “Preliminary hearing” means a hearing on an ex parte order of temporary custody or an order to appear or the first hearing on a petition alleging that a child is uncared for, abused, or neglected. A preliminary hearing on any ex parte custody order or order to appear shall be held not later than ten days from the issuance of the order; (5) “Plea hearing” is a hearing at which (A) a parent or guardian who is a named respondent in a neglect, uncared for or dependency petition, upon being advised of his or her rights, admits, denies, or pleads nolo contendere to allegations contained in the petition; or (B) a child who is a named respondent in a delinquency petition or information enters a plea of not guilty, guilty, or nolo contendere upon being advised of the charges against him or her contained in the information or petition, **[**or a hearing at which a child who is a named respondent in a family with service needs petition admits or denies the allegations contained in the petition upon being advised of the allegations;**]** (6) “Probation status review hearing” means a hearing requested, ex parte, by a probation officer regardless of whether a new offense or violation has been filed. The court may grant the ex parte request, in the best interest of the child or the public, and convene a hearing on the request within seven days.

COMMENTARY: Public Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

CHAPTER 27 RECEPTION AND PROCESSING OF DELINQUENCY [AND FAMILY WITH SERVICE NEEDS] COMPLAINTS OR PETITIONS

[Sec. 27-9. Family with Service Needs Referrals

(a) Any complaint alleging that a child is from a family with service needs shall be referred to a probation officer, who shall determine its sufficiency as a family with service needs complaint. If the probation officer determines the complaint is sufficient, the probation officer shall, after initial assessment promptly refer the child and the child's family to a suitable community-based program or other service provider or to a family support center for voluntary services.

(b) If the child and the child's family are referred to a community-based program or other service provider and the person in charge of such program or provider determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who shall, after an appropriate assessment, either refer the child and the child's family to a family support center for additional services or determine whether or not to file a petition with the court. If the child and the child's family are referred to a family support center and the person in charge of the family support center determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who may file a petition with the court.

(c) When a judicial authority, after a petition has been filed, refers a child alleged to be from a family with service needs to community-based services or other services or a family support center pursuant to General Statutes § 46b-149 (e), the referral order should provide that upon successful resolution, the matter will be dismissed and erased

without the filing of a request, application, or petition for erasure for all purposes except subsequent consideration for nonjudicial handling of a delinquency complaint under Section 27-4A.**]**

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

CHAPTER 29 RECEPTION AND PROCESSING OF DELINQUENCY [AND CHILD FROM FAMILY WITH SERVICE NEEDS] PETITIONS AND DELINQUENCY INFORMATIONS

Sec. 29-1. Contents of Delinquency [and Family with Service Needs] Petitions or [Delinquency] Informations

[(a)**]** A delinquency petition or information shall set forth in plain, concise and definite language the offense which the petitioner contends the child has committed. The petition or information shall further state the citation of any provision of law which is the basis of the petition or information, together with a statement that the offense occurred on or about a particular date or period of time at a particular location.

[(b) A family with service needs petition shall set forth in plain, concise and definite language the specific misconduct which the petitioner contends the child or youth has committed. The petition shall further state the citation of any provision of law which is the basis of the petition, together with a statement that the misconduct occurred on or about a particular date or period of time at a particular location.**]**

COMMENTARY: Public Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

[Sec. 29-1B. Processing of Family with Service Needs Petitions

The procedures promulgated in General Statutes § 46b-149 shall apply. Court process shall be initiated by a petition filed by a probation officer and signed and verified by the juvenile prosecutor.**]**

COMMENTARY: Public Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore this Section is obsolete.

Sec. 29-2. Service of Petitions

(a) Notice of summons, together with a copy of the verified delinquency **[**or family with service needs**]** petition, may be made to the child or youth and parent, guardian or other person having control of the child or youth by service in accordance with any one of the methods set out in General Statutes § 46b-128. Any notice sent by first class mail shall include a provision informing the party that appearance in court as a result of the notice may subject the appearing party to the jurisdiction of the court. If the child or youth does not appear on the plea date, service shall be made in accordance with General Statutes § 46b-128 **[**or § 46b-149 (d), as appropriate**]**.

(b) Petitions alleging delinquency **[**or family with service needs misconduct**]** shall be served or delivered not less than seven days before the date of the hearing which shall be held not more than thirty days from the date of filing of the petition.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 30-2A. [Family with Service Needs] Nondelinquent Juvenile Runaway from Another State and Detention

[(a) No child who has been adjudicated as a child from a family with service needs in accordance with General Statutes § 46b-149 may be processed or held in a juvenile detention center as a delinquent child, or be convicted as a delinquent, solely for the violation of a valid order which regulates future conduct of the child that was issued by the court following such an adjudication, and no such child who is charged or found to be in violation of any such order may be ordered detained in any juvenile detention center.

(b)**]** No nondelinquent juvenile runaway from another state may be held in a juvenile detention center in accordance with the provisions of General Statutes § 46b-151h.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

CHAPTER 30a DELINQUENCY [AND FAMILY WITH SERVICE NEEDS] HEARINGS

Sec. 30a-1. Initial Plea Hearing

(a) The judicial authority shall begin the hearing by determining whether all necessary parties are present and that the rules governing service or notice for nonappearing parties have been complied with, and shall note these facts for the record. The judicial authority shall then inform the parties of the substance of the petition or information.

(b) In age appropriate language, the judicial authority prior to any plea shall advise the child or youth and parent or guardian of the following rights:

(1) That the child or youth is not obligated to say anything and that anything that is said may be used against the child or youth.

(2) That the child or youth is entitled to the services of an attorney and that if the child or youth and the parent or parents, or guardian are unable to afford an attorney for the child or youth, an application for a public defender or an attorney appointed by the chief public defender should be completed and filed with the Office of the Public Defender or the clerk of the court to request an attorney without cost.

(3) That the child or youth will not be questioned unless he or she consents, that the child or youth can consult with an attorney before being questioned and may have an attorney present during questioning, and that the child or youth can stop answering questions at any time.

(4) That the child or youth has the right to a trial and the rights of confrontation and cross examination of witnesses.

(c) Notwithstanding any prior statement acknowledging responsibility for the acts alleged, the judicial authority shall inquire of the child or youth whether the child or youth presently admits or denies the allegations of the petition or information.

(d) If the judicial authority determines that a child or youth, or the parent, parents or guardian of a child or youth are unable to afford counsel for the child or youth, the judicial authority shall, in a delinquency proceeding, appoint the Office of the Public

Defender to represent the child or youth**[**, or in a family with service needs proceeding, notify the chief public defender, who shall assign an attorney to represent the child or youth**].**

(e) If the judicial authority, even in the absence of a request for appointment of counsel, determines that the interests of justice require the provision of an attorney to represent the child, youth or the child's or youth's parent or parents, guardian or other person having control of the child or youth, in any delinquency **[**or family with service needs**]** proceeding, the judicial authority may appoint an attorney to represent any such party and shall notify the chief public defender who shall assign an attorney to represent any such party. Where, under the provisions of this section, the court so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, the judicial authority shall assess as costs on the appropriate form against such parent or parents, guardian or other person having control of the child or youth, including any agency vested with the legal custody of the child or youth, the expense so incurred and paid by the Public Defender Services Commission in providing such counsel, to the extent of their financial ability to do so in accordance with the rates established by the Public Defender Services Commission for compensation of counsel.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

[Sec. 30a-1A. Family with Service Needs Preadjudication Continuance

If a family with service needs petition is filed and it appears that the interest of the child or the family may be best served, prior to adjudication, by referral to community-

based or other services, the judicial authority may permit the matter to be continued for a reasonable period of time not to exceed six months, which time period may be extended by an additional three months for cause. If it appears at the conclusion of the continuance that the matter has been satisfactorily resolved, the judicial authority may dismiss the petition.**]**

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

Sec. 30a-2. Pretrial Conference

(a) When counsel is requested, or responsibility is denied, the case may be continued for a pretrial conference. At the pretrial, the parties may agree that a substitute information will be filed, or that certain charges will be nolled or dismissed. If the child or youth and parent or guardian subsequently execute a written statement of responsibility at the pretrial conference, or the attorney for the child or youth conveys to the prosecutor an agreement on the adjudicatory grounds, a predispositional study shall be compiled by the probation department and the case shall be assigned for a plea and dispositional hearing.

(b) If a plea agreement has been reached by the parties which contemplates the entry of **[**an admission in a family with service needs case, or**]** a plea of guilty or nolo contendere in a delinquency case, and the recommendation of a particular disposition, the agreement shall be disclosed in open court at the time the plea is offered. Thereupon the judicial authority may accept or reject any agreement, or may defer the decision on

acceptance or rejection of the agreement until it has had an opportunity to review the predispositional study.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 30a-3. –Standard[s] of Proof; Burden of Going Forward

(a) The standard of proof for a delinquency adjudication is evidence beyond a reasonable doubt **[**and for a family with service needs adjudication is clear and convincing evidence**]**.

(b) The burden of going forward with evidence shall rest with the juvenile prosecutor.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 30a-5. Dispositional Hearing

(a) The dispositional hearing may follow immediately upon an adjudication.

(b) The judicial authority may admit into evidence any testimony that is considered relevant to the issue of the disposition, in any form the judicial authority finds of probative value, but no disposition shall be made by the judicial authority until the predispositional study, unless waived, has been submitted. A written predispositional study may be waived by the judicial authority for good cause shown upon the request of the parties, provided that the basis for the waiver and the probation officer's oral summary of any investigation

are both placed on the record. The predispositional study shall be presented to the judicial authority and copies thereof shall be provided to all counsel in sufficient time for them to prepare adequately for the dispositional hearing, and, in any event, no less than forty-eight hours prior to the date of the disposition.

(c) The prosecutor and the child and parent or guardian shall have the right to produce witnesses on behalf of any dispositional plan they may wish to offer.

(d) Prior to any disposition, the child shall be allowed a reasonable opportunity to make a personal statement to the judicial authority in mitigation of any disposition.

(e) The judicial authority shall determine an appropriate disposition upon adjudication of a child as delinquent in accordance with General Statutes § 46b-140.

[(f) The judicial authority shall determine an appropriate disposition upon adjudication of a child from a family with service needs in accordance with General Statutes § 46b-149 (f).

(g) The judicial authority shall determine the appropriate disposition upon a finding that a child adjudicated as a child from a family with service needs has violated a valid court order.**]**

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 30a-9. Appeals in Delinquency [and Family with Service Needs] Proceedings

The rules governing other appeals shall, so far as applicable, be the rules for all proceedings in delinquency **[**and family with service needs**]** appeals.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

CHAPTER 31a DELINQUENCY [AND FAMILY WITH SERVICE NEEDS] MOTIONS AND APPLICATIONS

[Sec. 31a-13A. Temporary Custody Order -- Family with Service Needs Petition

If it appears from the allegations of a petition or other sworn affirmation that there is: (1) A strong probability that the child may do something that is injurious to himself or herself prior to court disposition; (2) a strong probability that the child will run away prior to the hearing; or (3) a need to hold the child for another jurisdiction, a judicial authority may vest temporary custody of such child in some suitable person or agency. A hearing on temporary custody shall be held not later than ten days after the date on which a judicial authority signs an order of temporary custody. Following such hearing, the judicial authority may order that the child's temporary custody continue to be vested in some suitable person or agency.**]**

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

Sec. 31a-14. Physical and Mental Examinations

(a) No physical and/or mental examination or examinations by any physician, psychologist, psychiatrist or social worker shall be ordered by the judicial authority of any child denying delinquent behavior **[**or status as a child or youth from a family with service needs**]** prior to the adjudication, except (1) with the agreement of the child's or youth's parent or guardian and attorney, (2) when the child or youth has executed a written statement of responsibility, (3) when the judicial authority finds that there is a question of the child's or youth's competence to understand the nature of the proceedings or to participate in the defense, or a question of the child or youth having been mentally capable of unlawful intent at the time of the commission of the alleged act, or (4) where the child or youth has been detained and as an incident of detention is administered a physical examination to establish the existence of any contagious or infectious condition.

(b) Any information concerning a child or youth that is obtained during any mental health screening or assessment of such child or youth shall be used solely for planning and treatment purposes and shall otherwise be confidential and retained in the files of the entity performing such screening or assessment. Such information may be further disclosed only for the purposes of any court-ordered evaluation or treatment of the child or youth, or provision of services to the child or youth, or pursuant to General Statutes §§ 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such information shall not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

(c) Upon a showing that the mental health of a child or youth is at issue, either prior to adjudication for the reasons set forth in subsection (a) herein or subsequent thereto as a determinate of disposition, the judicial authority may order a child's or youth's placement for a period not to exceed thirty days in a hospital or other institution empowered by law to treat mentally ill children for study and a report on the child's or youth's mental condition.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 31a-16. Discovery

(a) The child or youth or the juvenile prosecutor shall be permitted pretrial discovery in accordance with subsections (b), (c) and (d) of this section by interrogatory, production, inspection or deposition of a person in delinquency **[**or family with service needs**]** matters if the information or material sought is not otherwise obtainable and upon a finding that proceedings will not be unduly delayed.

(b) Motions or requests for discovery shall be filed with the court in accordance with Section 31a-1. The clerk shall calendar any such motion or request for a hearing. Objections to such motions or requests may be filed with the court and served in accordance with Sections 10-12 through 10-17 not later than ten days of the filing of the motion or request unless the judicial authority, for good cause shown, allows a later filing. Upon its own motion or upon the request or motion of a party, the judicial authority may,

after a hearing, order discovery. The judicial authority shall fix the times for filing and for responding to discovery motions and requests and, when appropriate, shall fix the hour, place, manner, terms and conditions of responses to the motions and requests, provided that the party seeking discovery shall be allowed a reasonable opportunity to obtain information needed for the preparation of the case.

(c) Motions or requests for discovery should not be filed unless the moving party has attempted unsuccessfully to obtain an agreement to disclose from the party or person from whom information is being sought.

(d) The provisions of Sections 40-2 through 40-6, inclusive, 40-7 (b), 40-8 through 40-16, inclusive, and 40-26 through 40-58, inclusive, of the rules of procedure in criminal matters shall be applied by the judicial authority in determining whether to grant, limit or set conditions on the requested discovery, issue any protective orders, or order appropriate sanctions for any clear misuse of discovery or arbitrary delay or refusal to comply with a discovery request.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

[Sec. 31a-19A. Motion for Extension or Revocation of Family with Service Needs Commitment; Motion for Review of Permanency Plan

(a) The Commissioner of the Department of Children and Families may file a motion for an extension of a commitment of a child who has been adjudicated as a child from a family with service needs on the grounds that an extension would be in the best

interests of the child. The clerk shall give notice to the child, the child's parent or guardian, all counsel of record at the time of disposition and, if applicable, the guardian ad litem not later than fourteen days prior to the hearing upon such motion. The judicial authority may, after hearing and upon finding that such extension is in the best interests of the child and that there is no suitable less restrictive alternative, continue the commitment for an additional indefinite period of not more than eighteen months.

(b) The Commissioner of the Department of Children and Families may at any time file a motion to revoke a commitment of a child who has been adjudicated as a child from a family with service needs, or the parent or guardian of such child may at any time but not more often than once every six months file a motion with the judicial authority which committed the child to revoke such commitment. The clerk shall notify the child, the child's parent or guardian, all counsel of record at the time of disposition, if applicable, the guardian ad litem, and the Commissioner of the Department of Children and Families of any motion filed to revoke a commitment under this subsection, and of the time when a hearing on such motion will be held.

(c) Not later than twelve months after the commitment of a child who has been adjudicated as a child from a family with service needs to the Commissioner of the Department of Children and Families, the judicial authority shall hold a permanency hearing. Such a hearing will be held every twelve months thereafter if the child remains committed. Such a hearing also may include the submission of a motion to the judicial authority by the Commissioner of the Department of Children and Families, the child's parent or guardian to either extend or revoke the commitment.

(d) At least sixty days prior to each permanency hearing required under subsection (c) of this section, the Commissioner of the Department of Children and Families shall file a permanency plan with the judicial authority. At each permanency hearing, the judicial authority shall review and approve a permanency plan that is in the best interests of the child and takes into consideration the child's need for permanency. That judicial authority shall also determine whether the Commissioner of the Department of Children and Families has made reasonable efforts to achieve the permanency plan.**]**

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

[Sec. 31a-20. Petition for Violation of Family with Service Needs Post-Adjudicatory Orders

(a) When a child who has been adjudicated as a child from a family with service needs violates any valid order which regulates future conduct of the child made by the judicial authority following such an adjudication, a probation officer, on receipt of a complaint setting forth the facts alleged to be a violation, or on the probation officer's own motion on the basis of his or her knowledge of such a violation, may file a petition with the court alleging that the child has violated a valid court order and setting forth the facts claimed to constitute such a violation.

(b) The judicial authority will ensure that the child is provided an evidentiary hearing on the allegations contained in the petition and that counsel is assigned for the child or

youth pursuant to Section 30a-1 of these rules or that counsel of record is notified of the evidentiary hearing.

(c) Upon a finding by the judicial authority by clear and convincing evidence that the child has violated a valid court order, the judicial authority may (1) order the child to remain in such child's home or in the custody of a relative or any other suitable person, subject to the supervision of a probation officer, (2) upon a finding that there is no less restrictive alternative appropriate to the needs of the child and the community, enter an order that directs or authorizes a peace officer or other appropriate person to place the child in a staff-secure facility under the auspices of the court support services division of the Judicial Branch for a period not to exceed forty-five days, with review by the judicial authority every fifteen days to consider whether continued placement is appropriate, at the end of which period the child shall be returned to the community and may be subject to the supervision of a probation officer, or (3) order that the child be committed to the care and custody of the Commissioner of the Department of Children and Families for a period not to exceed eighteen months and that the child cooperate in such care and custody.**]**

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

[Sec. 31a-21. Petition for Child from a Family with Service Needs at Imminent Risk

(a) When a child who has been adjudicated as a child from a family with service needs is under an order of supervision or an order of commitment to the Commissioner of the Department of Children and Families and is believed to be in imminent risk of physical harm from the child's surroundings or other circumstances, a probation officer, on receipt of a complaint setting forth facts alleging such risk, or on the probation officer's own motion on the basis of his or her knowledge of such risk, may file a petition alleging that the child is in imminent risk of physical harm and setting forth facts claimed to constitute such risk. Service shall be made in accordance with subsection (d) of General Statutes § 46b-149.

(b) If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition, or made subsequent thereto, that there is probable cause to believe that (1) the child is in imminent risk of physical harm from the child's surroundings, (2) as a result of such condition, the child's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's safety, and (3) there is no less restrictive alternative available, the judicial authority shall enter an order that directs or authorizes a peace officer or other appropriate person to place the child in a staff-secure facility under the auspices of the court support services division of the Judicial Branch for a period not to exceed forty-five days, subject to subsection (e) of this section, with review by the judicial authority every fifteen days to consider whether continued placement is appropriate.

(c) The judicial authority will ensure that the child is provided an evidentiary hearing on the allegations contained in the petition and that counsel is assigned for the child pursuant to Section 30a-1 of these rules or that counsel of record is notified of the filing of the imminent risk petition.

(d) Not later than the end of such forty-five day period, the child shall either be (1) returned to the community for appropriate services subject to the supervision of a probation officer or an existing commitment to the Commissioner of the Department of Children and Families; or (2) committed to the Commissioner of the Department of Children and Families for a period not to exceed eighteen months if a hearing has been held and the judicial authority has found, based on clear and convincing evidence, that (i) the child is in imminent risk of physical harm from the child's surroundings, (ii) as a result of such condition, the child's safety is endangered and removal from such surroundings is necessary to ensure the child's safety, and (iii) there is no less restrictive alternative available. Any such child shall be entitled to the same procedural protections as are afforded to a delinquent child.

(e) No child shall be held prior to a hearing on a petition under this section for more than twenty-four hours, excluding Saturdays, Sundays and holidays.**]**

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.